

ORDINANCE NO. 5-1-78-183

AN ORDINANCE TO PROVIDE EQUAL ACCESS TO HOUSING; DEFINING DISCRIMINATORY HOUSING PRACTICES; PROVIDING PENALTIES FOR VIOLATION THEREOF; PROVIDING EXCLUSIVE ENFORCEMENT PROCEDURE; PROVIDING FOR THE CREATION OF A FAIR HOUSING BOARD, DEFINING TERMS; AND DECLARING AN EMERGENCY

WHEREAS, equal access to housing in all neighborhoods in peaceful and orderly fashion is the right of all people and promotes the public safety, health and welfare in the City of Cushing, Oklahoma;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CUSHING, OKLAHOMA.

Section 1. PURPOSES; CONSTRUCTION: The general purposes of this Ordinance are:

- (a) To secure for all people equal access to housing in all neighborhoods; and
- (b) To preserve the public safety, health and welfare.

Section 2. ACTS PROHIBITED. It shall be unlawful for any person, real estate broker, real estate salesman or agent:

- (a) To refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, sex, religion or national origin.
- (b) To refuse to negotiate with any person for the sale, rental, or lease when, in fact, it is so available because of such person's race, color, sex, religion or national origin.
- (c) To solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the ground of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, sex, religion, or national origin, either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed material or making statements designed to induce a residential property-owner to sell or lease his property due to such change in neighborhood.
- (d) To file a complaint alleging a violation of this Ordinance, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

Section 3. EXEMPTIONS. Nothing herein shall apply:

- (a) Any religious nonprofit organization, or associa-

tion, or society, operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale or rental of dwelling units owned and operated from other than a commercial purpose.

(b) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single family houses (at any one time and provided further that only one such sale may be made within any twenty-four month period.

(c) Any dwellings containing living quarters occupied or intended to be occupied by no more than four families living independent of each other and the owner actually occupies one such living quarter as his residence.

Section 4. FAIR HOUSING BOARD CREATED. There is hereby created a Fair Housing Board of the City of Cushing, (hereinafter referred to as "BOARD"), composed of five members, to be appointed by the City of Cushing, Oklahoma, for terms of three years, excepting that of the members first appointed under this Ordinance, two shall be appointed for a term of one year, and two shall be appointed for a term of two years, and one shall be appointed for a term of three years.

Section 5. DUTIES OF FAIR HOUSING BOARD. It shall be the duty of the Fair Housing Board to:

(1) Initiate, receive, and investigate complaints, charging unlawful housing practices.

(2) Seek consiliation of such complaints, hold hearings, make findings of fact, and publish its findings of fact; and

(3) Adopt such rules and regulations as may be necessary within the limits of this Ordinance, and carry out the purposes and provisions of this Ordinance.

Section 6. PROCEDURE.

(a) Any person agrieved by discriminatory practice prohibited by this Ordinance, may file with the Fair Housing Board, a complaint in writing, under oath. Said complaint shall be signed by the person claiming to be agrieved, and shall state the name and address of the person alleged to have violated the provisions of this Ordinance, and shall further set forth the particulars of said violation, and may include such other information as may be required by the Board. Complaints filed under this section must be filed within 30 days after the alleged violation, and failure to file within said time, shall be considered a waiver of the application of this Ordinance. The board may issue a complaint on its own initiative, at any time it is within the knowledge of the board that a person has violated any of the provisions of this Ordinance.

(b) The board shall investigate each complaint filed with the board, and shall attempt an adjustment of said complaint by means of conference and conciliation. Sixty days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well

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founded, the board shall dismiss said complaint and notify the Complainant and Respondent in writing of said dismissal. If it appears that the complaint might have merit, the Complainants shall be advised of their right under existing State and Federal Laws.

(c) If conference or conciliation does not result in compliance with this Ordinance, the board shall cause to be issued and served in the name of the City of Cushing, a written Notice, together with a copy of said complaint, requiring the person named in said complaint, hereinafter referred to as Respondent, to answer charges of said complaint at a hearing before the board at a time and place to be specified in the Notice.

(d) At the hearing, provided for in subparagraph (c) above, the complaint shall be heard by the board. At the hearing, the Complainant or person aggrieved may appear in person and/or by counsel, and the Respondent may file a written answer to the complaint and may appear in person or by legal counsel. The board, when conducting any hearing, pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the board, the party requesting the transcription to be responsible for the costs thereof. If the board finds at said hearing, that the Respondent has engaged in any discriminatory practice or practices, prohibited by this Ordinance, it shall state its findings of fact, and shall so certify the matter to the City Attorney for appropriate action. No prosecution shall be brought under this Ordinance except upon such certification.

If the board, upon hearing, finds that Respondent has not engaged in any discriminatory practice, it shall state its findings of fact, and shall issue and file an order, dismissing the complaint. The board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for herein.

Section 7. NOTICES. Any and all Notices required under the provisions of this Ordinance to be served personally on such person, or by mailing a copy thereof by certified or registered mail, with return receipt requested, to the most current business or resident address of such person.

Section 8. SEVERABILITY. If any provisions of this Ordinance, or the application thereof, to any person or circumstances, is held invalid by Court of competent jurisdiction, the invalidity shall not effect other provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

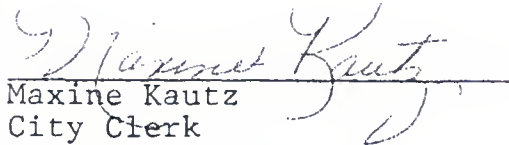
Section 9. PENALTY. It shall be unlawful and constitute an offense for any person to violate any of the provisions of this Ordinance, and any person found guilty of violating any

provisions shall be deemed guilty of an offense, and is subject, upon conviction, to a fine of not more than \$20.00 including costs, and each day that an act or omission is continued, shall constitute a violation of this Ordinance, and be construed as a separate offense.

Section 10. EMERGENCY. Whereas, an immediate necessity exists, in order to preserve the public peace, health and safety, an emergency is hereby declared whereby this Ordinance shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED this 1st day of MAY, 1978.

  
~~Ray L. Kemp~~, Chairman  
Board of Commissioners

  
Maxine Kautz  
City Clerk

J. Stewart Arthurs  
City Attorney